

Message Text

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SUBJ: CHANGES IN BAHAMIAN POLICE BAIL PROCEDURES

SUMMARY: THE BAHAMAS POLICE HAVE INTRODUCED MORE RESTRICTIVE BAIL PROCEDURES FOR FOREIGNERS ARRESTED AND CHARGED WITH VARIOUS OFFENSES, INCLUDING POSSESSION OF SMALL AMOUNTS OF DANGEROUS DRUGS.

1. UNTIL RECENTLY AMERICAN CITIZENS ARRESTED IN THE BAHAMAS OFTEN COULD BE RELEASED PENDING MAGISTRATE TRIALS BY PERSONALLY POSTING CASH BAIL IN AN AMOUNT POLICE CID OFFICERS CALCULATED WOULD LIKELY EXCEED THE ULTIMATE FINES. FOR EXAMPLE, BY POSTING \$500 TO \$1,000 IN CASH, INDIVIDUALS ARRESTED ON CHARGES OF POSSESSING SMALL AMOUNTS OF MARIJUANA WERE RELEASED TO APPEAR AT COURT THE NEXT WORKING DAY WHERE SENTENCES USUALLY AMOUNTED TO \$200 TO \$800. (NEXT "WORKING DAY" FOR THOSE ARRESTED FRIDAY, IS MONDAY). ALTHOUGH MANY AMERICANS DID NOT HAVE READY ACCESS TO THE NECESSARY CASH, OTHERS WERE ABLE TO RAISE IT AND SPARE THEMSELVES THE UNPLEASANT EXPERIENCE OF A NIGHT OR A WEEKEND IN THE POLICE STATION'S DARK, CRAMPED, AND FOUL-SMELLING CELLS.

2. LAST WEEK, THE BAHAMIAN POLICE ABRUPTLY WITHDREW THE CASH BAIL PRIVILEGE. THEY NOW INSIST THAT RELEASES FROM DENTENTION WILL ONLY BE GRANTED IF A RESIDENT OF THE BAHAMAS SIGNS AS SURETY FOR THE ARRESTED PARTY ON CONDITION THE SURETY FORFEITS \$1,500 TO THE BAHAMIAN GOVERNMENT IF THE ARRESTED PARTY

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FAILS TO APPEAR AT COURT. THE DEPUTY COMMISSIONER FOR CID

INFORMED CONSULAR OFFICER THAT THIS CHANGE WAS NECESSARY BECAUSE TOO MANY ARRESTEES FORFEITED BAIL RATHER THAN APPEAR FOR TRIAL AND JUSTICE WAS THEREBY THWARTED. IT SHOULD BE NOTED THAT PERSONAL SURETY REQUIREMENTS HAVE ALWAYS BEEN IMPOSED ON ARRESTED BAHAMIANS, AND THAT PREVIOUS ALLOWANCE OF MERE CASH BAIL FOR CERTAIN TOURISTS WAS INFORMAL "BENDING OF THE RULES" BY CID.

3. SINCE THIS CHANGE WAS INTRODUCED, FOUR ARRESTED AMERICANS ON MINOR DRUG CHARGES HAVE BEEN FORTUNATE ENOUGH TO HAVE BAHAMIAN CONTACTS SIGN ON THEIR BEHALF, BUT THREE OTHERS WERE NOT. INVARIABLY THE ARRESTED PARTIES PLEAD WITH CONSULAR OFFICER TO SIGN AS THEIR SURETY. CONSULAR OFFICER HAS REFUSED TO DO SO, EXPLAINING THAT US GOVERNMENT CANNOT ACT AS BONDSMAN. AS MOST AMERICAN TOURISTS TO THE BAHAMAS DO NOT KNOW RESIDENTS IN THIS COUNTRY WHO CAN SIGN ON THEIR BEHALF, RELEASE ON BAIL PENDING APPEARANCE BEFORE A MAGISTRATE ON THE SURETY BASIS WILL BE IMPOSSIBLE FOR MOST FUTURE ARRESTEES.

4. AMBASSADOR DISCUSSED WITHDRAWAL OF CASH BAIL PRIVILEGE WITH POLICE COMMISSIONER SALATHIEL THOMPSON WHO EXPLAINED THAT PRIVILEGE WAS WITHDRAWN BECAUSE THE POLICE STATION DOES NOT HAVE ADEQUATE FACILITIES FOR HANDLING CASH BAIL DEPOSITS AND THAT IN THE PAST SOME BAIL MONEY HAD BEEN "MISHANDLED". WHEN AMBASSADOR POINTED OUT THE DIFFICULTIES THIS PRESENTED FOR ARRESTED AMERICAN TOURISTS, THE COMMISSIONER STATED THAT HE WOULD BE WILLING TO PERSONALLY MAKE EXCEPTIONS UPON RECOMMENDATION FROM THE EMBASSY AND ACCEPT CASH BAIL IN MERITORIOUS CASES WHEN THE ARRESTED PARTY IS ABLE TO RAISE SUFFICIENT CASH.

5. EXACTLY WHAT CONSIDERATIONS WILL GO INTO THE DETERMINATION OF A MERITORIOUS CASE IS NOT YET CLEAR, BUT ON THE WHOLE IT SEEMS CERTAIN THAT IT WILL BECOME MUCH MORE DIFFICULT THAN IN THE PAST TO OBTAIN RELEASE FROM POLICE DETENTION PENDING TRIALS. EMBASSY IS ALSO GOING TO HAVE PROBLEMS WHETHER IT DECIDES TO REQUEST EXCEPTIONS IN ALL CASES OR ONLY SELECTED CASES, I.E., THOSE THAT WOULD INVOLVE DETENTIONS OVER WEEK-ENDS OR HOLIDAYS.

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6. IN ADDITION TO BRINGING THIS DEVELOPMENT TO THE ATTENTION OF THE DEPARTMENT, THE EMBASSY IS ALSO REQUESTING AIRLINES MANAGERS IN NASSAU TO CIRCULATE NOTICES ONCE AGAIN IMPRESSING UPON PASSENGERS AT POINTS OF ORIGIN IN THE UNITED STATES THAT CARRYING MARIJUANA OR OTHER ILLEGAL DRUGS INTO THE BAHAMAS IS SUBJECT TO SEVERE PENALTIES AND UNPLEASANT DETENTION, AND GIVING NOTICE OF NEW BAIL PROCEDURE. THERE WERE 104 DRUG

ARRESTS HERE IN FY74. RATE THIS YEAR SEEMS LIKELY TO BE AS
HIGH UNLESS PEOPLE STOP TAKING THEIR CHANCES. SPIERS

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